

FORM PTO-1390  
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**CUSTOMER NO. 22,852  
ATTORNEY'S DOCKET NUMBER

05788.0373

U.S. APPLICATION NO.  
(If known, see 37CFR1.5)**10/541071**

INTERNATIONAL APPLICATION NO.

PCT/EP2002/014812

INTERNATIONAL FILING DATE

December 31, 2002

PRIORITY DATE CLAIMED

TITLE OF INVENTION

**INTEGRATED OPTICAL ADD/DROP DEVICE HAVING SWITCHING FUNCTION**

APPLICANT(S) FOR DO/EO/US

**Daniele FACCIO, Giacomo GORNI, and Marco ROMAGNOLI**


Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
  - a. ☒ Copy of cover page of International Publication No. WO 2004/059353 A1
  - b. ☐ Copy of Notification of Missing Requirements.
  - c. ☐

JC20 Rec'd PCT/PTO 29 JUN 2005

|   |              |  |  |   |                 |
|---|--------------|--|--|---|-----------------|
| U.S. APPLICATION NO. (If known, see 37CFR 1.5)<br><div style="font-size: 24pt; font-weight: bold;">10/541071</div>  |              | INTERNATIONAL APPLICATION NO.<br>PCT/EP2002/014812                         |  | ATTORNEY'S DOCKET<br>NUMBER<br>05788.0373               |                 |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:   |              |  |  | Applicant Use   | Office Use Only |
| <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>   |              |  |  | \$300.00  |                 |
| National Stage Search Fee.....\$500.00  |              |  |  | \$500.00  |                 |
| National Stage Examination Fee.....\$200.00   |              |  |  | \$200.00  |                 |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>   |              |  |  | \$1000.00   |                 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |  |  |   |                 |
| Total Sheets  | Extra Sheets | Number of additional 50 or fraction thereof (rounded up to a whole number) | Rate   |   |                 |
| 41 - 100 =  | /50 =        |  | x 250.00   | \$  |                 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).  |              |  |  | <input type="checkbox"/> 20 <input type="checkbox"/> 30 | \$              |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA   | RATE   |   |                 |
| Total Claims  | 20           | - 20 =   | x \$50.00  | \$  |                 |
| Independent Claims  | 2            | - 3 =  | x \$200.00   | \$  |                 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |  | + \$360.00   | \$360.00  |                 |
| <b>TOTAL OF THE ABOVE CALCULATIONS =</b>  |              |  |  | \$1360.00   |                 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |  | \$  |                 |
| <b>SUBTOTAL =</b>   |              |  |  | \$1360.00   |                 |
| Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)).  |              |  |  | <input type="checkbox"/> 20 <input type="checkbox"/> 30 | \$              |
| <b>TOTAL NATIONAL FEE =</b>   |              |  |  | \$1360.00   |                 |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.  |              |  |  | \$  |                 |
| <b>TOTAL FEES ENCLOSED =</b>  |              |  |  | \$1360.00   |                 |
|   |              |  |  | Amount to be refunded:                                  | \$              |
|   |              |  |  | charged:  | \$              |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1360.00</u> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038. |              |  |  |   |                 |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.  |              |  |  |   |                 |
| <b>SEND ALL CORRESPONDENCE TO:</b><br>Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.<br>901 New York Avenue, NW<br>Washington, D.C. 20001-4413  |              |  |  |   |                 |
| DATED: June 29, 2005  |              |  | <div style="font-size: 24pt; font-family: cursive;">  </div> SIGNATURE<br>Ernest F. Chapman Reg. No. 25,961<br>NAME/REGISTRATION NO. |   |                 |